

NOT DESIGNATED FOR PUBLICATION  
**ARKANSAS SUPREME COURT**

No. CACR 01-684

DOMINIC SIMPSON  
Petitioner

v.

STATE OF ARKANSAS  
Respondent

Opinion Delivered April 12, 2007

PRO SE MOTION FOR TRANSCRIPT  
AT PUBLIC EXPENSE [CIRCUIT  
COURT OF GARLAND COUNTY, CR  
99-570]

MOTION DENIED.

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**PER CURIAM**

In 2000, petitioner Dominic Simpson was found guilty of murder in the first degree and sentenced to 480 months' imprisonment. The Arkansas Court of Appeals affirmed. *Simpson v. State*, CACR 01-684 (Ark. App. Dec.19, 2001).

Petitioner, who contends that he is indigent, now seeks at public expense a copy of the transcript of his trial that was lodged on direct appeal.<sup>1</sup> He has appended to the motion an affidavit attesting to his indigency.

Indigency alone does not entitle a petitioner to free photocopying. *Washington v. State*, 270 Ark. 840, 606 S.W.2d 365 (1980) (per curiam). A petitioner is not entitled to a photocopy of material on file with either appellate court unless he or she demonstrates some compelling need for

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<sup>1</sup>For clerical purposes, the motion has been filed under the docket number assigned to the direct appeal of the judgment when the appeal was lodged in the Arkansas Court of Appeals. This court decides all motions for photocopying at public expense because such motions are considered to be requests for postconviction relief. *See Williams v. State*, 273 Ark. 315, 619 S.W.2d 628 (1981) (per curiam).

specific documentary evidence to support an allegation contained in a petition for postconviction relief. *See Austin v. State*, 287 Ark. 256, 697 S.W.2d 914 (1985) (per curiam). Petitioner Simpson has not met his burden of demonstrating a compelling need for a copy of the transcript of his trial.<sup>2</sup>

Petitioner offers the following reasons for requesting a copy of the transcript:

As evidentiary documentary (sic) of violation of civil and constitutional rights; also other violation as, “Ineffective Asst. of Counsel,” and other facts dealing with every step of interrogation, all pretrial proceedings and full records; Is needed to follow up on postconviction and appeal in the Supreme Court and other relief guaranteed by law; also all of trial transcript and any other parts required and each and every stage and element will be necessary to show a wrongful conviction.

The reasons given are entirely conclusory and do not rise to showing of a *specific* need for a copy of the transcript.

It should be noted that when an appeal has been lodged in either this court or the court of appeals, the appeal transcript remains permanently on file with the clerk. Persons may review a transcript in the clerk's office and photocopy all or portions of it. An incarcerated person desiring a photocopy of a transcript may write this court, remit the photocopying fee, and request that the copy be mailed to the prison. All persons, including prisoners, must bear the cost of photocopying. *Moore v. State*, 324 Ark. 453, 921 S.W.2d 606 (1996) (per curiam).

Motion denied.

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<sup>2</sup>Petitioner makes mention of an appeal to this court, which may be a reference to an appeal lodged here on March 23, 2007, from an order that denied petitioner’s pro se petition for postconviction relief pursuant to Ark. R. Crim. P. 37.1. If petitioner intended the instant motion, which was filed before the appeal was lodged, to be a request for a copy of the trial transcript to prepare the brief in that appeal, his remedy is a motion filed in that proceeding.